

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SFA SYSTEMS, LLC,)	
)	
Plaintiff,)	Civil Action No. 6:09-cv-340 LED
)	
v.)	JURY TRIAL DEMAND
)	
1-800-FLOWERS.COM, INC., et al.)	
)	
Defendants.)	
)	

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE

Plaintiff SFA Systems, LLC and Defendants (1) 1-800-Flowers.com, Inc., (2) The Plow & Hearth, Inc. (currently known as 18F Virginia, Inc., and sued in this action as “The Plow & Hearth, Inc., including D/B/A Wind & Weather, Inc.”), (3) The Popcorn Factory, Inc., (4) The Winetasting Network (a California corporation, with its principal place of business at 2545 Napa Valley Corporate Drive, Napa, CA 94558 and sued in this action as “Winetasting Network Inc.”), (5) the entity named in this action as “The Children’s Group, Inc.” (a Delaware corporation, which was previously merged into 18F Virginia, Inc.), (6) the entity named in this action as “Wind & Weather, Inc.” (previously known as Wind & Weather, a California corporation, and merged into The Plow & Hearth, Inc.), (7) the entity named in this action as “Problem Solvers, Inc.” (which was a brand that at the time of the commencement of this action operated by The Plow & Hearth, Inc.), (8) Office Depot, Inc., (9) Northern Tool & Equipment Company, (10) Northern Tool and Equipment Catalog Co., (11) Omaha Steaks International, Inc., and (12) Omahasteaks.com, Inc., (collectively the “Settling Defendants”) hereby move the Court for entry of an order dismissing all claims and counterclaims in this action between Plaintiff and these Settling Defendants WITH PREJUDICE, subject to the terms of that certain

agreement entitled “**PATENT LICENSE AND SETTLEMENT AGREEMENT**” and dated December 17, 2010, with each party to bear its own costs, expenses and attorneys fees.

Dated: December 23, 2010

Respectfully submitted,

BUETHER JOE & CARPENTER, LLC

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PROBLEM SOLVERS, INC.
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on this 23rd day of December 2010. Any other counsel of record will be served by facsimile transmission and first class mail.

/s/ Eric W. Buether

Eric W. Buether